

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Shigeo OHTA et al. : **Mail Stop: PCT**  
Serial No. NEW : Attorney Docket No. 2005\_1500A  
Filed September 23, 2005 :

CELL DEATH-INDUCING FUSION GENE  
SPECIFICALLY ACTING ON CANCER  
AND PRODUCT THEREOF  
[Corresponding to PCT/JP2004/003956  
Filed March 23, 2004]

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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- ☐ each U.S. Patent and U.S. Patent application publication;
- ☒ each reference previously cited in the international application  
PCT/JP2004/003956; and/or
- ☐ each reference previously cited in prior parent application Serial No.  
\_\_\_\_\_.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, or

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

**and thus no certification and/or fee is required.**

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and**

**the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

JC05 Rec'd PCT/PTO 23 SEP 2005

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.
4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☐ a full or partial English language translation submitted herewith,
  - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
  - c. ☐ the concise explanation contained in the specification of the present application at page,
  - d. ☐ the concise explanation set forth in the attached English language abstract,
  - e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☒ A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Shigeo OHTA et al.

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September 23, 2005

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)  
(Use several sheets if necessary)

Date Submitted to PTO: September 23, 2005

ATTY DOCKET NO.  
2005\_1500AJC05 Rec'd PCT/PTO 23 SEP 2005  
NEWAPPLICANT  
Shigeo OHTA et al.

10/550280

FILING DATE  
September 23, 2005

GROUP

## U.S. PATENT DOCUMENTS

| *EXAMINER<br>INITIAL |    | DOCUMENT<br>NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF<br>APPROPRIATE |
|----------------------|----|--------------------|------|------|-------|----------|-------------------------------|
|                      | AA |                    |      |      |       |          |                               |
|                      | AB |                    |      |      |       |          |                               |

## FOREIGN PATENT DOCUMENTS

|        |    | DOCUMENT<br>NUMBER | DATE    | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES NO |
|--------|----|--------------------|---------|---------|-------|----------|-----------------------|
| /C.Y./ | AC | 2002-355034        | 12/2002 | JP      |       |          | Abstract              |
| /C.Y./ | AD | 01/53342           | 7/2001  | WO      |       |          |                       |
| /C.Y./ | AE | 00/42973           | 7/2000  | WO      |       |          |                       |
|        | AF |                    |         |         |       |          |                       |
|        | AG |                    |         |         |       |          |                       |

## OTHER DOCUMENT(S) (including Author, Title, Date, Pertinent Pages, Etc.)

|        |    |  |
|--------|----|--|
| /C.Y./ | AH | J. Gu et al., "A novel single tetracycline-regulative adenoviral receptor for tumor-specific Bax gene expression and cell killing <i>in vitro</i> and <i>in vivo</i> ", Oncogene, Vol. 21, No. 31, pp. 4757-4764, 2002.        |
| /C.Y./ | AI | X. Li et al., "Overexpression of BCL-X <sub>L</sub> Underlies the Molecular Basis for Resistance to Staurosporine-induced Apoptosis PC-3 Cells", Cancer Research, Vol. 61, No. 4, pp. 1699-1706, 2001.                         |
| /C.Y./ | AJ | H. Ellerby et al., "Anti-cancer activity of targeted pro-apoptotic peptides", Nature Medicine, Vol. 5, No. 9, pp. 1032-1038, September 1999.   |
| /C.Y./ | AK | T. Aokage et al., "Green fluorescent protein causes mitochondria to aggregate in the presence of the Bcl-2 family proteins", Biochemical and Biophysical Research Communications, Vol. 314, No. 3, pp. 711-716, February 2004. |
|        | AL |  |

EXAMINER /Christopher Yaen/ (05/11/2008)

DATE CONSIDERED 05/11/2008

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.